

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BERNARD FRACTION,

)

8:14CV348

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Plaintiff,

)

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v.

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**MEMORANDUM
AND ORDER**

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RANDY JAMES, and VANDELAY
INVESTMENTS, et al.,

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Defendants.

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This matter is before the court on Plaintiff Bernard Fraction's one-paragraph "Motion to Re-Open" his case (Filing No. [13](#)) dated April 21, 2015. Fraction asks the court to reopen this case because "[his] life depends on it" and he "need[s] [his] day in court." (*Id.*)

This court cannot hear a case if it lacks the jurisdiction to do so. *See Fed. R. Civ. P. 12(h)(3)* ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action."). The court dismissed this case on April 17, 2015, because Fraction failed to set forth a basis for this court's jurisdiction in his pleadings, and the basis for this court's jurisdiction was not apparent from the face of any of the pleadings or documents filed. Nothing in Fraction's motion to reopen his case resolves the question of why subject-matter jurisdiction is appropriate in this court. Thus, for the reasons set forth in the court's order dated April 17, 2015, this case was properly dismissed and the court declines to reopen it.

IT IS THEREFORE ORDERED that: Fraction's "Motion to Re-Open" his case (Filing No. [13](#)) is denied.

DATED this 24th day of June, 2015.

BY THE COURT:

s/ John M. Gerrard

United States District Judge

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